



Mongolia

Country Reports on Human Rights Practices - [2001](#)

Released by the Bureau of Democracy, Human Rights, and Labor
March 4, 2002

Mongolia continued its transition from a highly centralized, Communist-led state to a full-fledged, multiparty, parliamentary democracy, although these gains have not yet been consolidated. The Prime Minister is nominated by the majority party and, with the agreement of the President, is approved by the State Great Hural (Parliament), the national legislature. In 2000 the Mongolian People's Revolutionary Party (MPRP), which held power from 1921 to 1996, won a sweeping victory in the parliamentary elections, leaving only 4 of 76 seats to opposition members. During the year, the MPRP's presidential candidate was elected to his second and final term. The transition to the new Government occurred in accordance with constitutional procedures, and international observers characterized the elections as free and fair. There are 18 political parties, 4 of which hold seats in the Parliament. The judiciary is constitutionally independent, but low salaries make it vulnerable to corruption.

Security forces are under civilian control. The Minister of Defense is a civilian (who retired from the military to accept the position). The security forces are divided among the Ministry of Defense (MOD), the Ministry of Justice and Home Affairs (MOJHA), and the General Intelligence Agency (GIA). Military forces under the MOD are responsible for external security, but border security forces are under MOJHA control during peacetime. Civil defense is subordinate to the MOD, giving the MOD a role in internal security. National police, with primary responsibility for law enforcement, fall under the MOJHA. The GIA, formerly the State Security Agency, is responsible for internal security; its civilian head has ministerial status and reports directly to the Prime Minister. Reduced Government spending continued to force downsizing of the military forces and all security forces operate on a minimal budget. Police have on occasion, committed human rights abuses.

Despite reforms in the 1990's, the larger economic entities remain under state control; however, the private sector produces over 70 percent of the gross domestic product. The economy continued to expand and strengthen, and inflation stayed below 12 percent. The country's population is 2.37 million with a population growth rate of 1.4 percent. The country remains poor, with a per capita income of approximately \$405 per year. It relies heavily on foreign economic assistance. The mainstays of the economy continue to be copper production and other mining, livestock raising (which is done by a majority of the rural population), and related food, wool, and hide processing industries, which produce goods for local consumption and for export. A growing trade and small entrepreneurial sector in the cities provides basic consumer goods. Garment manufacture and minerals, especially copper, constitute the bulk of export earnings. Lack of transportation and other infrastructure, legal and regulatory deficiencies, petty corruption and a small domestic market discourage foreign investment.

The Government generally respected the human rights of its citizens; however, problems remain in some areas. Members of the police at times beat prisoners and detainees. Pretrial detention conditions are poor although prison conditions are improving. There were no deaths reported during the year in detention centers but a number of prisoners died while in prison. Arbitrary arrest and detention are problems, as is corruption. There are restrictions on due process for persons arrested or suspected of crimes. Government attempts to enforce compliance by newspapers, magazines, television, and radio with moral strictures and tax laws may have been an attempt to intimidate the media and have resulted in self-censorship by the press. During the year, the authorities denied entry to some persons claiming refugee status; however, the authorities determined these persons to be "economic immigrants" and not refugees. Official harassment of some religious groups seeking registration persisted. Domestic violence against women is a serious problem; however, efforts to assist victims continued to increase during the year. Child abuse and child labor also are problems. There were some instances of forced labor, and some women seeking work overseas may have become victims of trafficking schemes. In February the Government established a National Commission on Human Rights (NCHR). In October the NCHR published its first public report, which criticized the Government

for abuses and faulted the Parliament and the Courts for failure to fully protect human rights.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of the arbitrary or unlawful deprivations of life committed by the Government or its agents; however, it is suspected that the killing of the Minister of Infrastructure in October 1998 was politically motivated. Although the investigation is ongoing, the inability to solve this case continues to be a major problem for the Government.

Approximately 40 prisoners died in custody during the year, largely due to disease (see Section 1.c.).

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such practices; however, while reports of such actions diminished, the police in rural areas occasionally beat prisoners and detainees, and the use of unnecessary force in the arrest process is not uncommon. During the year, it was alleged that five persons accused of killing a shopkeeper in 1999 were tortured during the last 2 years while in detention centers in order to get them to confess. One of the five died of tuberculosis in pretrial detention and the other four reported being subjected to severe abuse such as electrical shocks, being forced to drink their own blood, and threats to family members. A joint monitoring commission from the central police and the state prosecutor's office claimed its investigation found no basis for the allegations of torture. However, the Supreme Court ordered the case reinvestigated in view of questions raised concerning evidence presented at the trial by the prosecution and the absence of legal counsel for the defendants during the early months of their detention.

In recent years reforms undertaken by the Ministry of Justice and Home Affairs upon Parliament's recommendation, following reports by international human rights observers, have changed significantly the way that accused persons and prisoners are treated. Human rights training for prison management and some police guards was implemented during the year. The Ministry's Department for the Enforcement of Court Decisions also monitors conditions, but the new laws and procedures have not been publicized widely, especially in the countryside, and citizens are not aware always of their rights with respect to detention and arrest. In general, pretrial detention and prison facilities are poor--including insufficient food, heat, and medical care--and threaten the health and life of inmates. However, overall prison conditions improved while conditions in detention centers remained the same. Different authorities administer the pretrial detention system and the prison system, which creates tensions between the two and limits management improvements.

Many inmates entered prison already infected with tuberculosis or contracted it in prison. During the year, the Government, with the aid of foreign donors, concluded a program begun in 1997 for surveying and determining methods of treatment of tuberculosis among inmates. As a result of the program, the Government established a tuberculosis hospital that provides treatment for a considerably larger number of prisoners and better isolates infected persons from the general prison population. The percentage of inmates who die of the disease continued to decline from previous years, decreasing by 50 percent to under 50 deaths. Conditions in pretrial detention facilities, where suspects can be held for up to 36 months, often are worse than in the prisons and contribute significantly to the tuberculosis problem.

Although the number of inmates remained fairly constant, the seriousness of crimes allegedly committed by those detained increased. Overcrowding in prisons is declining while overcrowding in detention centers is common. The detention center population continues to exceed capacity by approximately 25 percent, aggravating management, health, and funding problems. To address these problems under the continuing reform process, prison inmates in the capital were divided into smaller groups managed by trained personnel and provided health and hygiene instructions.

Outside Ulaanbaatar, juveniles between the ages of 14 and 18 who are charged with crimes are kept in the same detention centers as adults and are not segregated from the adult population. During the year, a separate facility for juveniles was established in Ulaanbaatar and designated a training center. Improvements

in detention and prison conditions outside of the capital are significantly less or nonexistent because of lack of funding. Families continue to gain better access to inmates, alleviating some of the hardship in obtaining food and clothing. At least two national and six foreign NGO's are working to improve conditions in prisons and detention centers, distributing clothing, food, books, and textbooks, and providing English-language instruction and training in computers and trades.

The Government permits prison visits by human rights monitors, but visits to pretrial detention centers are more difficult to arrange. Nonetheless, Amnesty International (AI) has on occasion visited prisons and detention centers.

d. Arbitrary Arrest, Detention, or Exile

The Constitution provides that no person shall be searched, arrested, detained, or deprived of liberty except by law, and these protections have been incorporated into the criminal code; however, arbitrary arrest and detention remain problems. Furthermore, general public awareness of basic rights and judicial procedures is limited. Under the criminal code, police may arrest those caught committing or suspected of a crime and hold them for up to 72 hours before the decision is made to prosecute or release. A prosecutor must issue a warrant for incarceration of longer duration or when the actual crime was not witnessed. A detainee has the right to a defense attorney during this period and during any subsequent stage of the legal process. If a defendant cannot afford a private attorney, the Government appoints an attorney. Detainees may be released on bail with the agreement of the prosecutor.

Citizens are not always aware of their rights in regard to arrest and detention procedures (see Section 1.c.). In 2000 a one-time amnesty law affected 1,000 inmates and detainees by reducing the sentences of inmates and releasing detainees held on insufficient evidence. The criminal system can legally detain a suspect for up to 3 years. The police may detain a suspect for up to 10 months, and the prosecutor can authorize up to an additional 26 months of pretrial detention. For example, in 2000 of 6,300 detainees, 7 persons were held in pretrial detention for more than 9 months, 19 were held longer than 5 months and 37 were held more than 2 months; numbers through October were 2, 19 and 40 respectively. There were no political detainees.

According to administrative regulation, if a person was wrongly charged with a crime, the Government will restore the person's rights and reputation and compensate him.

The Government does not use forced exile.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the courts are independent in practice, although corruption is a problem.

The judiciary consists of local courts, provincial courts, and the Supreme Court. The 17-member Supreme Court is the court of final appeal, hearing appeals from lower courts and cases involving alleged misconduct by high-level officials. Local courts hear mostly routine criminal and civil cases; provincial courts hear more serious cases such as rape, murder, and grand larceny and also serve as the appeals court for lower court decisions. The Constitutional Court, separate from the criminal court system, has sole jurisdiction over constitutional questions. The General Council of Courts, an administrative body within the Ministry of Justice and Home Affairs, nominates candidates for vacancies on both the Supreme and lower courts; the President has the power to approve or refuse such nominations. The Council also is charged with ensuring the rights of judges and providing for the independence of the judiciary. During the year, a human rights course became mandatory for all law students.

All accused persons are provided due process, legal defense, and a public trial, although closed proceedings are permitted in cases involving state secrets, rape cases involving minors, and other cases provided by law. Defendants do not enjoy a presumption of innocence. Defendants may question witnesses and appeal decisions. The number of complaints made to the U.N. High Commissioner for Human Rights (UNHCHR) representatives about the legal system have not increased during the year, but these complaints are being referred to the NCHR. The UNHCHR closed its separate office in March. A smaller operation functions under the U.N. Development Program (UNDP). However, the UNHCHR established local representatives in every province.

There were no reports of political prisoners. Each September, the Government pays public respects to the memory of victims of political repression from 1922 through the 1960s. Since 1991, more than 30,000 persons have been absolved of accusations leveled against them. In 1991 the Government began giving apartments

and monetary compensation to surviving victims or to the victims' spouses. Since 1991, the Government has provided over 400 apartments and gers (a traditional nomadic dwelling of the Mongols), including 54 in the first half of the year. In 1998 the State Rehabilitation Commission began providing compensation to other family members of victims in the form of cash grants of \$500 and \$1000 (between 500,000 and one million tugrik). The program subsequently was halted due to a budget shortfall but is scheduled to resume as soon as budget problems are resolved. Since the inception of the program, more than 14,000 persons have received more than \$11 million (11 billion tugrik) in compensation. The program, scheduled to end in 2000, was extended for an additional 3 years. Some 16,000 petitions remain to be processed.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such actions, and the Government generally respected these provisions in practice. The head of the GIA may, with the knowledge and consent of the Prime Minister, direct the monitoring and recording of telephone conversations. The extent of such monitoring is unknown. Police wiretaps must be approved by the Prosecutor's Office and are authorized for only 2 weeks at a time.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech, press, and expression and the Government generally respects these rights in practice. An increasing variety of newspapers and other publications represent major political party viewpoints as well as independent views. The media law that went into effect in 1999 bans censorship of public information and future legislation that would limit the freedom to publish and broadcast. This law also bars state ownership or financing of the media or media organizations. Nonetheless, the vast majority of radio and television stations and frequency licenses remain state-owned. The law took effect without agreement on regulations and procedures for the privatization of assets, and its implementation has been difficult and controversial. Lack of access to information and of transparency in government continues to inhibit political dialog in the media, and led to media complaints.

The Government monitored all media for compliance with antiviolenence, antipornography, antialcohol, and tax laws. In 2000 two newspapers were closed as a result of Government inspections, which journalists viewed as an attempt at intimidation and control. No newspapers were closed during the year. While there is no direct government censorship, the press perceives indirect censorship through various forms of government harassment such as frequent libel lawsuits and tax audits following an inflammatory article. The court system places the burden of proof on the defendants in libel and slander cases, which stifles the free media. As a result, some media practice self-censorship, although independent media outlets are at times strongly critical of the Government. All newspapers buy newsprint directly from private suppliers, and neither party-affiliated nor independent news media report difficulty securing an adequate supply. Due to transportation difficulties, uneven postal service, and fluctuations in the amount of newsprint available, access to a full range of publications is restricted in outlying regions.

There are several television stations including a government-financed television station with countrywide broadcasting capability, a limited-operation international joint venture private television channel, a private television station (which does not broadcast nationwide), a local television station controlled by the Ulaanbaatar mayor's office, and several radio stations in Ulaanbaatar. State-owned radio is particularly important as the major source of news in the countryside, but the one independent radio station broadcasts widely and there are an increasing number of small local FM stations. The Voice of America and the British Broadcasting Company broadcast in English only, over FM radio frequencies leased from private media interests. The media presents opposition and government news. Many residents of the country have access to television, and Ulaanbaatar residents receive broadcasts from other countries in Asia and Europe, including China, Russia, Japan, the United Kingdom, France, Germany, and the United States by commercial satellite and cable television systems. An estimated 70 percent of households have television.

The Internet is available, and there have been no government attempts to interfere with its use.

The Government respects academic freedom.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly and association and the Government generally respects those rights in practice.

c. Freedom of Religion

The Constitution provides for freedom of conscience and religion and the Government generally respects these rights in practice; however, some groups that sought to register have faced bureaucratic harassment and the law limits proselytizing. The Constitution explicitly recognizes the separation of church and state.

Although there is no official state religion, traditionalists believe that Buddhism is the "natural religion" of the country. The Government has contributed to the restoration of several Buddhist sites. These are important religious, historical, and cultural centers. The Government otherwise does not subsidize the Buddhist religion.

Religious groups must register with the Ministry of Justice and Home Affairs. While the Ministry of Justice and Home Affairs is responsible for registrations, local assemblies have the authority to approve applications at the local level.

Under the law, the Government may supervise and limit the number of places of worship and clergy for organized religions; however, there were no reports that the Government did so during the period covered by this report. The registration process is decentralized with several layers of bureaucracy, in which officials sometimes demand financial benefits in exchange for authorization. In addition registration in the capital may not be sufficient if a group intends to work in the countryside where local registration also is necessary. Some groups encountered harassment during the registration process, including demands by midlevel city officials for financial contributions in return for securing legal status. When registration was completed, the same authorities threatened some religious groups with withdrawal of approval. In general it appears that difficulties in registering primarily are the consequence of bureaucratic action by local officials and attempts to extort financial assistance for projects not funded by the city. Of the 260 temples and churches founded since 1990, approximately 150 are registered, including 90 Buddhist, 40 Christian, and 4 Baha'i, in addition to 1 Muslim mosque and other organizations. Contacts with coreligionists outside the country are allowed.

The law does not prohibit proselytizing, but limits it by forbidding use of incentives, pressure, or deceptive methods to introduce religion. With the opening of the country following the 1990 democratic changes, religious groups began to arrive to provide humanitarian assistance and open new churches. Some friction between missionary groups and citizens developed because this assistance was mixed with proselytizing activities. Proselytizing by registered religious groups is allowed, although a Ministry of Education directive bans mixing foreign language or other training with religious teaching or instruction. The edict is enforced, particularly in the capital area.

There were no reports of religious detainees or prisoners.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for freedom of movement within the country as well as the right to travel abroad and return without restriction, and the Government generally respected these rights in practice. Due to continued harsh winter weather and drought conditions, an increased number of persons sought shelter in the capital. The authorities continued to raise bureaucratic obstacles to qualify for residency and social benefits in the capital, such as increasing fees for residency applications. Citizens are free to relocate within the country, but must notify gaining and losing jurisdictions. Ulaanbaatar is the only city that requires a registration fee for those moving into the city from other areas; there is no fee for moving from one administrative district to another within the city. Through 2000, the fees for registering were \$26 (26,000 tugrik) per adult and \$13 (13,000 tugrik) per minor under the age of 18. During the year these fees were raised to \$50 (50,000 tugrik) and \$25 (25,000 tugrik) respectively.

The country is not a party to the 1951 U.N. Convention Regarding the Status of Refugees and its 1967 Protocol and it has no laws for granting refugee status. The Constitution contains a provision that addresses political asylum, but there are no implementing regulations; however, the MOJHA is in the process of drafting legislation to address both refugee status and asylum. The issue of granting of first asylum did not arise during the year.

The Government cooperates with the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. During the year, the authorities denied entry to some persons claiming refugee status, having determined that these persons were "economic immigrants" and not refugees.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise

this right in practice through periodic, free and fair elections by secret ballot and universal suffrage. Presidential, parliamentary, and local elections are held separately. In 2000 parliamentary elections brought the Mongolian People's Revolutionary Party (MPRP) back into power. In May the MPRP's presidential candidate was elected to a second and final term. International observers deemed the presidential election generally free and fair; some irregularities in the 2000 parliamentary elections generated improved election practices and procedures in May's presidential election. For example, new rules requiring 2-3 observers to be present for taking votes by a mobile box were introduced. Ballot papers are printed out and distributed under strict control of political party observers. Cultural shows and other entertainment are prohibited during the election campaign period except at its start and end. The formation of the Government in 2000 highlighted constitutional questions concerning the President's relationship to Parliament and the Government, and the right of Members of Parliament to serve in the Government. Constitutional amendments meant to address these questions were passed by the Parliament in 2000 but vetoed by the President. Parliament overrode the veto and the amendments went into effect. In July, following his reelection, the President signed the amendments.

There are 18 registered political parties; 4 are represented in the Parliament.

Although there are no legal impediments to the participation of women or minorities in government and politics, the percentage of women in government and politics does not correspond to their percentage of the population. There are only 9 female members in the 76-member Parliament. There are no female ministers, but there is one female vice-minister. Women and women's organizations are vocal in local and national politics and actively seek greater representation by women in government policymaking.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of national, foreign and international human rights groups operate without government restriction, investigating and publishing their findings on human rights cases. Government officials generally are cooperative and responsive to their views.

In February Parliament established the NCHR to receive complaints from both citizens and foreign residents. The Commission consists of three senior civil servants nominated by the President, the Supreme Court, and the Parliament for terms of 6 years. The independent Commission is responsible for monitoring human rights abuses, initiating and reviewing policy changes, and coordinating with human rights NGO's. The Commission's first public report in October criticized the Government for abuses of the power of arrest and detention, poor conditions in detention and prison facilities, lengthy detentions without trial, and failure to implement laws. The report also faulted Parliament and the courts for failure fully to protect human rights. The Commission reports directly to the Parliament. A human rights course is a requirement in the university law curriculum.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution states that "no person shall be discriminated against on the basis of ethnic origin, language, race, age, sex, social origin, or status," and that "men and women shall be equal in political, economic, social, cultural fields, and family." The Government generally enforced these provisions in practice.

Women

Rape and domestic abuse are illegal, and offenders can be prosecuted after formal charges have been filed. There is no law specifically prohibiting spousal rape. Domestic violence against women is a serious problem. There are no reliable or exact statistics regarding the extent of such abuse but a wide range of qualified observers believe that it is common, and could affect as much as one-third of the female population. In 2000 over 30 percent of those who received administrative punishment were involved in domestic violence, and 49.1 percent of them were charged with spousal abuse. Approximately 98.5 percent of those who commit violent crimes in the home are male. In 1998 crimes involving violence against women were 20.6 percent of all household crimes while in 2000 the number increased to 25.2 percent. Further, domestic abuse is becoming more violent; different statistical sources state that between 10 and 24 percent of murders occur in the home. In the last 3 years 206 murder cases were registered in the capital city; 13 percent of them involved the murder of females in the home. In 1998 murders of females were 8 percent of all murder cases; in 1999 and 2000 the number almost doubled to 14.1 and 16.6 percent respectively. After many years of government and societal denial, there is increasing public and media discussion of domestic violence, including spousal and child abuse. However, a common perception is that domestic abuse is either a family issue or not a problem at all. The large economic and societal changes underway have created new stresses on families, including loss of jobs, inflation, and lowered spending on social and educational programs. Some statistics show that over 70 percent of the cases of family abuse are related to alcohol abuse. The high rate of alcohol abuse has

contributed to increased instances of family abuse and abandonment, and has added to the number of single-parent families, most of which are headed by women. Although women's groups advocate new statutes to cope with domestic violence, there is no known police or government intervention in cases involving violence against women beyond prosecution under existing criminal laws after formal charges have been filed. However, women are hesitant to prosecute because of likely long-term detention of spouses in detention centers and the resulting loss of household income.

There are no laws against sexual harassment.

The family law which went into effect in 1999 details rights and responsibilities regarding alimony and parents' rights, and is intended to bring about timely dispute settlement and avoid the causes of some domestic violence. The National Center Against Violence continues to make progress in providing hot line services, shelters, and conducting training for police on how to deal with domestic violence cases. It expanded its work outside the capital to 10 additional provinces.

There are reports that some women and teens work in the sex trade in Asia and Eastern Europe; an unknown number of them may have been trafficked (see Section 6.f.).

The Constitution provides men and women with equal rights in all areas and, both by law and in practice, women receive equal pay for equal work and have equal access to education. Women represent about half of the work force, and a significant number are the primary earners for their families. The law prohibits women from working in certain occupations that require heavy labor or exposure to chemicals that could affect infant and maternal health. The Government enforces these provisions. Many women occupy midlevel positions in government and the professions, and many are involved in the creation and management of new trading and manufacturing businesses.

There is no separate government agency that oversees women's rights; however, there is a National Council to coordinate policy and women's interests among ministries and NGO's, and the Ministry of Social Welfare and Labor has a Department for Women and Youth Issues. There are approximately 40 women's rights groups that concern themselves with such issues as maternal and child health, domestic violence and equal opportunity.

Children

Increased stress on the family structure and throughout society has had adverse effects on many children, and the Government has been unable to keep pace with the educational, health, and social needs of the most rapidly growing segment of its population, although it is committed to children's rights and welfare in principle. The Government provides children with free, compulsory public education through the age of 16, although family economic needs and state budgetary difficulties make it difficult for some children to attend school. In practice, female children over the age of 15 have better opportunities to complete their education than male children, because teenage males often are required to work at home and schools generally are located far from homes (See Section 6.d.). In addition there continues to be a severe shortage of teachers and teaching materials at all educational levels.

The society has a long tradition of support for communal raising of children. The Government is more willing to admit the extent of the problem of orphaned children, but it lacks the resources to improve the welfare of children who have become the victims of larger societal and familial changes. NGO's continued to assist orphaned and abandoned children. The Government does not publish statistics on street children; however, the 2000 census numbered homeless youths between 7 and 19 years of age at approximately 1,300. NGO's place street children in three categories: those who are homeless, those who have homes but left because of abuse or poverty, and those who beg or scavenge and return home at night. NGO's provide limited services to all three categories of street children. Groups working in the field disagree on the number of street children but estimate that it is as high as 3,000. Although evidence is limited, there are reports that female street children sometimes face sexual abuse (see Section 6.d.). The Government supports two private shelters, one for children from birth to age 3, and the other for children from 3 to 16 years of age. A number of charities and NGO's operate private shelters. While government facilities receive government funding, finances are inadequate and the Government uses foreign aid to help sustain the orphanages. The law stipulates the obligations regarding divorce, custody, and alimony to the benefit of the parent caring for children. It provides for more speedy resolution of divorce cases where the relevant agencies have determined that domestic violence is involved.

There is growing awareness that child abuse, often associated with parental alcoholism, is a problem. In conjunction with efforts to counter violence against women, NGO's have begun to address the issue. The Ministry of Social Welfare and Labor has added a Department for Women and Youth Issues. Awareness of

child labor as a problem is growing (see Sections 6.c. and 6.d.). In October 2000, the Parliament ratified ILO Convention 182 on Worst Forms of Child Labor. In November the Government ratified the Optional Protocol to the Convention on Rights of the Child on the involvement of children in armed conflicts, and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

Persons with Disabilities

The 1999 Labor Law prohibits discrimination against disabled persons in employment and education, and requires the Government to provide benefits according to the nature and severity of the disability, which it does. There is no discrimination against disabled persons in employment and education. In practice, however, society shuns the disabled and most cannot find jobs. During the year the Government began implementing a section of the 1999 Labor Law that requires companies employing more than 50 persons to hire at least 3 disabled persons. Those who have been injured in industrial accidents have the right to be reemployed when ready to resume work, and the Government offers free retraining in 6 fields at a central technical school. There are several specialized schools for disabled youths, but they are free to attend regular schools. The Government also provides tax benefits to enterprises that hire the disabled, and some firms hire the disabled exclusively. There is no law mandating access for the disabled and, therefore, it is difficult for the disabled to participate fully in public life. However, during the year, the Government set aside a small sum to begin building wheelchair access ramps to public buildings. Disabled citizens' groups have demonstrated for higher government subsidies. Government pensions for the disabled are approximately 40,000 tugrik (\$40) per month. Estimates vary, but there are an estimated 40,000 disabled persons in the country. Approximately 30 NGO's participate in activities assisting the disabled.

Section 6 Worker Rights

a. The Right of Association

The Constitution entitles all workers to form or join unions and professional organizations of their choosing. Union officials estimate that union membership remained constant at approximately 400,000, which represents less than half of the workforce. Workers who are self-employed or work at small, nonunionized firms generally do not belong to unions. No arbitrary restrictions exist on who may be a union official; officers are elected by secret ballot.

Union members have the right to strike. Those employed in essential services, which the Government defines as occupations critical for national defense and safety, including police, utility, and transportation workers, do not have the right to strike. During the year, there were approximately 58 strikes involving 5,419 workers.

Most union members are affiliated with the Mongolian Trade Unions Confederation, but some are affiliated with the newer Association of Free Trades Unions. Both organizations have ties with international labor organizations and confederations in other countries.

b. The Right to Organize and Bargain Collectively

The law defines conditions and regulates relations between employers, employees, the trade unions, and the Government, making adjustments for the changes in the structure of the economy. The Government's role is limited to ensuring that a contract meets legal requirements as to hours and conditions of work. Wages and other employment issues are set between the employer, whether state or private, and the employee, with trade union input, if appropriate. The law also streamlines the process for dealing with labor conflicts. The Labor Dispute Settlement Commission resolves disputes involving an individual; disputes involving groups are referred to intermediaries and arbitrators for reconciliation. If an employer fails to comply with a recommendation, employees may exercise their right to strike. The law protects workers' right to participate in trade union activities without discrimination.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law specifically prohibits forced or compulsory labor, including forced and bonded labor by children; however, enforcement is intermittent (See Section 6.d). In 2000 a foreign-owned garment factory was discovered to be requiring employees to work 14-hour shifts 7 days a week, deducting unreasonable sums from paychecks for miscellaneous expenses, and requiring 16- to 18-year-old workers to work excessive hours. Some members of the military forces in rural areas are required to help with the fall harvest. In many

cases, prisoners work to support the detention facility or prison in which they are held, and detained alcohol abusers and petty criminals sometimes are required, as part of their sentences, to perform menial tasks such as street sweeping. Detainees are compensated financially for their work; prisoners are not, but receive credit toward time off of their sentences. There are reports that some women and teens work in the sex trade in Asia and Eastern Europe; an unknown number of them may have been trafficked (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment

The law in general prohibits children under the age of 16 from working, although those who are 14 or 15 years of age may work up to 30 hours per week with parental consent. Those under 18 years of age may not work at night, engage in arduous work, or work in hazardous occupations such as mining and construction. Enforcement of these prohibitions, as well as all other labor regulations, is the responsibility of state labor inspectors assigned to regional and local offices. These inspectors have the authority to compel immediate compliance with labor legislation, but enforcement is limited due to the small number of labor inspectors and the growing number of independent enterprises. In 2000 a foreign-owned garment factory was found to be employing 16- to 18-year-old workers for periods in excess of the legal limits (see Section 6.c.).

Children work informally in petty trade, scavenging in dumpsites, scavenging coal from abandoned mines and herding animals. Increasing alcoholism and parental abandonment make it necessary for many children to have an income in order to support themselves, their siblings, and sometimes their parents. Figures vary as to the number of children in the labor force, but estimates are as high as 58,000.

Also, due to increasing economic pressures, fewer children are staying in school until age 18, especially teenage boys in the countryside (see Section 5). These children most often herd family animals, but reports of such children working in factories or coalmines have increased.

Although evidence is limited, there are reports that female street children sometimes face sexual abuse (see Section 5). The Government is aware of this development, and has established a National Committee for Children to address this and other child welfare issues.

In 2000 the International Labor Organization (ILO) established a national office for the International Program on the Elimination of Child Labor. There are reports that some women and teens work in the sex trade in Asia and Eastern Europe; an unknown number of them may have been trafficked (see Section 6.f.).

The Government prohibits forced and bonded labor by children, and generally attempts to enforce this prohibition (see Section 6.c.). Forced labor by children does exist in a few circumstances.

e. Acceptable Conditions of Work

The legal minimum wage established for the year is under \$25 (25,000 tugrik) per month. The minimum wage alone is insufficient to provide a decent standard of living for a worker and family. This level applies to both public and private sector workers and is enforced by the Ministry of Social Welfare and Labor. Virtually all civil servants earn more than this amount, and many in private businesses earn considerably more. Some employees receive housing benefits.

The standard legal workweek is 40 hours, and there is a minimum rest period of 48 hours between workweeks. Overtime work is compensated at either double the standard hourly rate or by giving time off equal to the number of hours of overtime worked. Pregnant women and nursing mothers are prohibited by law from working overtime. For those under 18 years of age, the workweek is 36 hours, and overtime work is not allowed.

Laws on labor, cooperatives, and enterprises set occupational health and safety standards, and the Ministry of Social Welfare and Labor provides enforcement. The near-total reliance on outmoded machinery and problems with maintenance and management lead to frequent industrial accidents, particularly in the mining, power, and construction sectors. Effective enforcement of occupational health and safety standards is inadequate; the labor monitoring unit's 70 inspectors must inspect a growing number of enterprises throughout the country. However, over the past year, 42 additional, volunteer inspectors from NGO's assisted the labor monitoring unit. According to the law, workers have the right to remove themselves from dangerous work situations and still retain their jobs. There are a small number of foreign workers in the country. In general, they enjoy the same protections as citizens.

f. Trafficking in Persons

The law does not specifically prohibit trafficking in persons, and there is evidence that women and teenagers are working in the sex trade in Asia and Eastern Europe and may have been the victims of trafficking rings. The country is both a source and transit point for trafficking.

Although most officials and NGO's find it difficult to estimate the extent of the trafficking, increasing attention is being focused on the issue. It is believed that the primary targets of trafficking schemes are young women, ranging in age from 14 years to the mid-20s, who come from the middle class. These girls and women are lured abroad by offers to study or work. It is not difficult to traffic persons across the country's borders. Some NGO experts believe that members of the police sometimes are involved in trafficking young women and helping facilitate their movement across the border. During the year, an NGO began providing training and education with respect to trafficking for police officials.